

AMENDED IN ASSEMBLY APRIL 20, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1311

Introduced by Assembly Members Duvall and Tran

February 27, 2009

An act to amend Sections ~~12935, 14669, and 14670.12~~ 8164, 12935, 14669, 14670.12, and 14982 of, and to repeal Section 8878.97 of, the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1311, as amended, Duvall. State government reports.

(1) *Existing law requires the Department of General Services to submit an annual report to the Joint Legislative Budget Committee and each Member of the Legislature that is required to list specified information and include detailed information on all items in the report.*

This bill would instead require the department to summarize the information required to be included in the report and would delete the requirement regarding detailed information.

(1)

(2) Existing law requires the State Architect to, by January 10 of each year, provide the Joint Legislative Budget Committee and the chairpersons of the fiscal committees in each house of the Legislature a listing of expenditures for activities relating to local government buildings, as specified.

This bill would repeal this requirement.

(2)

(3) Existing law gives the Fair Employment and Housing Commission specified powers and duties, including issuing publications and results of inquiries and research that, in its judgment, will tend to promote good will and minimize or eliminate unlawful discrimination, as specified.

This bill would repeal this provision.

(3)

(4) Existing law requires the Director of General Services to, by March 1 of each year, prepare and submit to the Legislature, as specified, a report listing all leases entered into in the prior calendar year with an option to purchase with another public or private entity that involve office space.

This bill would repeal that requirement.

(4)

(5) Existing law authorizes the Director of General Services to lease any real property owned by the state not exceeding 5 acres for a period not to exceed 25 years to governmental entities to further the state's mission to provide emergency services. Existing law requires the director to report annually to the Legislature concerning this authority.

This bill would repeal this reporting requirement.

(6) *Existing law authorizes the Department of General Services to enter into exclusive or nonexclusive contracts on a bid or negotiated basis with manufacturers and suppliers of single source or multisource drugs. The department is required to submit an annual report on activities that have been, or will be, undertaken pursuant to those provisions.*

This bill would repeal the requirement for that annual report.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8164 of the Government Code is amended
- 2 to read:
- 3 8164. Commencing January 1, 1979, the department shall
- 4 report to the Joint Legislative Budget Committee and each Member
- 5 of the Legislature annually. The report shall ~~list~~ *summarize all*
- 6 *of the following:*
- 7 (a) *Leases* by the state to others for residential or commercial
- 8 purposes in the Capitol area; ~~sales or~~.

1 (b) *Sales or* building construction initiated or completed by the
2 state in the metropolitan area expenditures under authority of
3 Section 8169.1, by type ~~transactions and~~.

4 (c) *Transactions and* operations of joint powers agencies under
5 authority of Section 8169.4, since the last report ~~and shall set forth~~
6 ~~the department's~~.

7 (d) *The department's* appraisal of the degree to which ~~such these~~
8 projects conform to the Capitol Area Plan. ~~The report shall include~~
9 ~~detailed information on all such items.~~

10 **SECTION 1.**

11 *SEC. 2.* Section 8878.97 of the Government Code is repealed.

12 ~~*SEC. 2.*~~

13 *SEC. 3.* Section 12935 of the Government Code is amended
14 to read:

15 12935. The commission shall have the following functions,
16 powers, and duties:

17 (a) To adopt, promulgate, amend, and rescind suitable rules,
18 regulations, and standards (1) to interpret, implement, and apply
19 all provisions of this part, (2) to regulate the conduct of hearings
20 held pursuant to Sections 12967 and 12981, and (3) to carry out
21 all other functions and duties of the commission pursuant to this
22 part.

23 (b) To conduct hearings pursuant to Sections 12967 and 12981.

24 (c) To conduct mediations at the request of the department at
25 any time after a complaint is filed pursuant to Section 12960,
26 12961, or 12980. The department may withdraw a request for
27 mediation at any time to pursue an investigation.

28 (d) To establish and maintain a principal office within the state
29 and to meet and function at any place within the state.

30 (e) To appoint an executive secretary, and any attorneys and
31 other employees as it may deem necessary, fix their compensation
32 within the limitations provided by law, and prescribe their duties.

33 (f) To hold hearings, subpoena witnesses, compel their
34 attendance, administer oaths, examine any person under oath and,
35 in connection therewith, to require the production of any books or
36 papers relating to any matter under investigation or in question
37 before the commission.

38 (g) To create or provide financial or technical assistance to any
39 advisory agencies and conciliation councils, local or otherwise, as
40 in its judgment will aid in effectuating the purposes of this part,

1 and to empower them to study the problems of discrimination in
2 all or specific fields of human relationships or in particular
3 instances of employment discrimination on the bases enumerated
4 in this part or in specific instances of housing discrimination
5 because of race, religious creed, color, national origin, ancestry,
6 familial status, disability, marital status, sex, or sexual orientation
7 and to foster, through community effort or otherwise, good will,
8 cooperation, and conciliation among the groups and elements of
9 the population of the state and to make recommendations to the
10 commission for the development of policies and procedures in
11 general. These advisory agencies and conciliation councils shall
12 be composed of representative citizens, serving without pay.

13 (h) With respect to findings and orders made pursuant to this
14 part, to establish a system of published opinions that shall serve
15 as precedent in interpreting and applying the provisions of this
16 part. Commission findings, orders, and opinions in an adjudicative
17 proceeding are subject to Section 11425.60.

18 (i) Notwithstanding Sections 11370.3 and 11502, to appoint
19 administrative law judges, as it may deem necessary, to conduct
20 hearings and mediations. Each administrative law judge shall
21 possess the qualifications established by the State Personnel Board
22 for the particular class of position involved. The hearing officers
23 of the commission shall become administrative law judges on the
24 effective date of this subdivision.

25 ~~SEC. 3.~~

26 *SEC. 4.* Section 14669 of the Government Code is amended
27 to read:

28 14669. (a) The director may hire, lease, lease-purchase, or
29 lease with the option to purchase any real or personal property for
30 the use of any state agency, including the Department of General
31 Services, if he or she deems the hiring or leasing is in the best
32 interests of the state.

33 (b) The director shall not enter into a lease-purchase agreement
34 that involves office space, unless specifically authorized to do so
35 by the Legislature. The director shall solicit written bids for any
36 lease-purchase that involves office space in a newspaper of general
37 circulation in the county in which the project is located. All bids
38 received shall be publicly opened and the lease awarded to the
39 lowest responsible bidder. If the director deems the acceptance of

1 the lowest responsible bid is not in the best interest of the state,
2 he or she may reject all bids.

3 ~~SEC. 4.~~

4 SEC. 5. Section 14670.12 of the Government Code is amended
5 to read:

6 14670.12. Notwithstanding Section 14670, and with the consent
7 of the state agency concerned, the director may let any real property
8 owned by the state not exceeding five acres for a period not to
9 exceed 25 years, to governmental entities to further the state's
10 mission for providing emergency services, if he or she deems it to
11 be in the best interest of the state.

12 SEC. 6. *Section 14982 of the Government Code is amended to*
13 *read:*

14 14982. (a) It is the intent of the Legislature that the Department
15 of General Services, University of California, and the Public
16 Employees' Retirement System regularly meet and share
17 information regarding each agency's procurement of prescription
18 drugs in an effort to identify and implement opportunities for cost
19 savings in connection with this procurement. It is the intent of the
20 Legislature that the University of California and the Public
21 Employees' Retirement System cooperate with the department in
22 order to reduce each agency's costs for prescription drugs.

23 (b) The department shall do all of the following:

24 (1) Share information on a regular basis with the University of
25 California and the Public Employees' Retirement System regarding
26 each agency's procurement of prescription drugs, including, but
27 not limited to, prices paid for the same or similar drugs and
28 information regarding drug effectiveness.

29 (2) Identify opportunities for the department, the University of
30 California, and the Public Employees' Retirement System to
31 consolidate drug procurement or engage in other joint activities
32 that will result in cost savings in the procurement of prescription
33 drugs.

34 (3) Participate in at least one independent association that
35 develops information on the relative effectiveness of prescription
36 drugs.

37 (4) Develop strategies, in consultation with the affected agencies,
38 for the state to achieve savings through greater use of generic
39 drugs.

1 (5) No later than January 1, 2006, and annually thereafter,
2 develop a workplan that includes, but is not limited to, a description
3 of the department's annual activities to reduce the state's costs for
4 prescription drugs and an estimate of cost savings.

5 ~~(6) No later than January 10, 2006, and annually thereafter,~~
6 ~~report to the Chairperson of the Joint Legislative Budget~~
7 ~~Committee and the chairs of the fiscal committees of the~~
8 ~~Legislature and the appropriate policy committees of the~~
9 ~~Legislature on activities that have been, or will be, undertaken~~
10 ~~pursuant to this chapter. The report shall include, but not be limited~~
11 ~~to, all of the following:~~

12 ~~(A) The number and a description of contracts entered into with~~
13 ~~manufacturers and suppliers of drugs pursuant to Section 14977.1,~~
14 ~~including any discounts, rebates, or refunds obtained.~~

15 ~~(B) The number and a description of entities that elect to~~
16 ~~participate in the coordinated purchasing program pursuant to~~
17 ~~Section 14977.5.~~

18 ~~(C) A description of any joint activities of the department, the~~
19 ~~University of California, and the Public Employees' Retirement~~
20 ~~System in the last 12 months in connection with procurement of~~
21 ~~prescription drugs.~~

22 ~~(D) Other options and strategies that have been, or will be,~~
23 ~~implemented pursuant to this chapter.~~

24 ~~(E) Estimated costs and savings attributable to activities that~~
25 ~~have been, or will be, undertaken pursuant to this chapter.~~

26 ~~(F) The workplan that the department is required to develop~~
27 ~~pursuant to paragraph (5).~~

28 (c) Nothing in this section shall be construed to require sharing
29 of information that is prohibited by any other provision of law or
30 contractual agreement, or the disclosure of information that may
31 adversely affect potential drug procurement by any state agency.